

ALB:MEM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

ANTHONY VARBEL,

Defendant.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 28 2019 ★

LONG ISLAND OFFICE

C O M P L A I N T

(18 U.S.C. §§ 2251(a) and 2)

MJ 19-0185

EASTERN DISTRICT OF NEW YORK, SS.:

MARTHA BERDOTE, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and November 2, 2018, within the Eastern District of New York and elsewhere, the defendant ANTHONY VARBEL, together with others, did knowingly and intentionally employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials, that had been mailed, shipped and transported in and affecting interstate and foreign commerce and which visual depictions were transported and transmitted using a means and facility of interstate and foreign commerce.

(Title 18, United States Code, Section 2251(a) and 2)

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a Special Agent of the FBI since 2002, and am currently assigned to the Violent Crimes Squad. I have consulted with other agents and law enforcement personnel who have extensive training and experience in child sexual exploitation investigations and computer forensics.

2. I am familiar with the information contained in this affidavit based on my conversations with other law enforcement personnel. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. In or about November 2018, the FBI received information that an unidentified individual (the “Coconspirator”) was communicating electronically with two female minors, whose identities are known to the United States Attorney’s Office and who both reside in Garden City, in Nassau County, Long Island (hereinafter “Victim-1” and “Victim-2”). Specifically, the Coconspirator was communicating with Victim-1 and Victim-2 through various social media accounts. According to Victim-1 and Victim-2, and as confirmed by information obtained from consent searches of their laptops and cellphones, the Coconspirator and the defendant, ANTHONY VARBEL demanded that Victim-1 and Victim-2 create pornographic images and videos of themselves – both separately and together – and threatened to disseminate nude photographs of each of the two Victims if they did not comply with those demands. As a result, Victim-1 and Victim-2 complied with VARBEL and the Coconspirator’s demands, and

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

created photographs and videos of themselves engaged in sexual acts, and electronically sent these pornographic materials to the Coconspirator, who in turn, sent them to VARBEL.

4. On or about December 6, 2018, a federal search and seizure warrant was issued in the Eastern District of New York for one of the Coconspirator's social media accounts ("Account-1"). Information obtained pursuant to this search warrant revealed, *inter alia*, that the Coconspirator was communicating via Account-1 with the defendant, ANTHONY VARBEL. FBI agents have reviewed the various communications between the Coconspirator and VARBEL, and have learned, in substance and in part, that the Coconspirator and VARBEL frequently discussed contacting minor females via a number of social media accounts, for the purpose of coercing them to make and send pornographic images and videos of themselves. Additionally, in these communications, the coconspirator and VARBEL exchanged multiple pornographic images and videos of minors.

5. Additional information obtained from the search of Account-1 revealed communications with VARBEL, about Victim-1 and Victim-2. For example, a portion of a chat between the Coconspirator and VARBEL reads as follows:

VARBEL: ²	I get you good girls
Coconspirator:	Hell yea you do partner haha
VARBEL:	Ofc u follow thru like a BOSS!!!
VARBEL:	When do they start working today?
Coconspirator:	[Victim-1] is about to arrive at [Victim-2's] house now
Coconspirator:	So they'll start very soon
VARBEL:	[Victim-1] and I have been spamming hearts to each [other] for the past hour ³

² In the chat, VARBEL and the Coconspirator are identified by their various account usernames. They are identified as "VARBEL" and "Coconspirator" here for ease of reference.

³ Based on my training and experience, and my involvement in this investigation, I know that individuals who entice minors typically use multiple social media accounts in order to fabricate various different identities to communicate with their victims.

6. Additionally, the search warrant on Account-1 revealed a conversation between the Coconspirator and the defendant, ANTHONY VARBEL, during which, on or about November 4, 2018, the Coconspirator sent three videos to VARBEL of Victim-1 and Victim-2, two of which contain acts constituting child pornography. FBI agents have reviewed those two videos, and they are described as follows:

- a. Video 1 (download_20181103_022323.mp4) – Approximately 3 Minutes 33 Seconds in length, depicting Victim-1 and Victim-2 in a bedroom removing their clothing, hugging and kissing each other with a lewd display of their genitals.
- b. Video 2 (download_20181103_053820.mp4) – Approximately 2 Minutes 34 Seconds in length, depicting Victim-1 and Victim-2 in a bedroom removing their clothing, hugging and kissing, performing sexual acts on each other.

7. On February 27, 2019, members of the FBI and other law enforcement personnel executed a search warrant issued by the Honorable Mustafa Kasubhai, United States Magistrate Judge, District of Oregon, on the defendant's residence in Roseburg, Oregon 97470. Pursuant to that search, among other items, an iPhone belonging to the defendant ANTHONY VARBEL was seized. A partial preliminary search of this phone revealed multiple pornographic videos of Victim-1 and Victim-2.

These individuals then use their different accounts in concert, in order to groom the minor victims, by causing them to believe they are involved in a romantic relationship with one fabricated identity, and then often using information obtained from one fabricated identity to extort the victim using another fabricated identity. Here, for example, VARBEL appears to be explaining to the Coconspirator that he (VARBEL) has been grooming Victim-1 by feigning a romantic relationship with her using a different fabricated identity.

8. On February 27, 2019, the defendant, ANTHONY VARBEL, was advised of his Miranda rights, waived them and agreed to speak with law enforcement officials. In substance, VARBEL admitted that he chatted with Victim-1 on at least one occasion and had her send him images of her exposed breasts and genitals. VARBEL admitted that he sent Victim-1's contact information to the Coconspirator. VARBEL stated that once he received the images of Victim-1's breasts and genitals he subsequently sent some of the images he received to the Coconspirator.

WHEREFORE, Your affiant respectfully requests that the defendant ANTHONY VARBEL be dealt with according to law.



MARTHA BERDOTE
Special Agent
FBI

Sworn to before me this
28 th day of February, 2019



/s/ A. Kathleen Tomlinson

THE HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

F.#: XXXXRXXXX
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ANTHONY VARBEL,

Defendant.

COMPLAINT

(18 U.S.C. " 2251(a) and 2))

A true bill.

----- *Foreperson*

Filed in open court this _____ day,

of _____ A.D. 20 _____

----- *Clerk*

Bail, \$ _____

Mark Misorek, Assistant U.S. Attorney (631) 715-7874